

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: VerduzcoDaniel

(Last)

(First)

Prisoner Number: T-45537Institutional Address: ESP. Cor. ASU-1 Cell #165, P.O. Box 3456Corcoran, California 93212UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIADaniel Verduzco

(Enter your full name.)

VS.

Michael Price et. al.

(Enter the full name(s) of the defendant(s) in this action.)

CV 19-1440

Case No.

(Leave blank; to be provided by Clerk of Court)

COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. § 1983

(PR)

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement California State Prison - CorcoranB. Is there a grievance procedure in this institution? YES ☒ NO ☐C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: Loc # PRSP HC 17030151 Filed March 24, 2017; Loc # PRSP-HC-17030220
Filed June 14, 2017; Loc # PRSP HC 17030208 Filed May 26, 2017; Loc # PRSP-17-61058
Filed May 26, 2017; Loc # PRSP HC 17030207 Filed May 26, 2017

2. First formal level: Permanently Denied, PBSP-S-17-01058 Partially Granted 07/04/17; PBSP-HC-17030151 Partially Granted 05/09/17; PBSP-HC-17030220 Partially Granted 07/25/17; PBSP-HC-17030208 Partially Granted 07/11/17; PBSP-HC-17030207 Partially Granted Date Unknown;

3. Second formal level: PBSP-S-17-01058 Partially Granted 09/18/17; PBSP-HC-17030151 Partially Granted 06/15/17; PBSP-HC-17030220 Partially Granted 09/19/17; PBSP-HC-17030208 Partially Granted 08/09/17; PBSP-HC-17030207 Partially Granted Date Unknown

4. Third formal level: PBSP-S-17-01058 Denied 01/03/18; PBSP-HC-17030151 No Modifications. PBSP-HC-17030220 No Modifications; PBSP-HC-17030208 No Modifications; PBSP-HC-17030207 No Modifications.

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

Daniel Verdugo, CDC #T-45537, ASP-Cor-A8U-1 Cell #165

P.O. Box 3456

Corcoran, California 93212

B. For each defendant, provide full name, official position and place of employment.

(See Attached Complaint)

1 **III. Statement of Claim.**

2 State briefly the facts of your case. Be sure to describe how each defendant is involved and
3 to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If
4 you have more than one claim, each claim should be set forth in a separate numbered paragraph.

5 *See Attached Complaint*

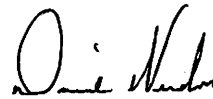
16 **IV. Relief.**

17 Your complaint must include a request for specific relief. State briefly exactly what you
18 want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

19 *See Attached Complaint*

24 **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

25 Signed this 13 day of March, 20 19

26 

27 (Plaintiff's signature)

28 **Please continue to the next page.**

MAGISTRATE JUDGE JURISDICTION

Please indicate below by checking **one** of the two boxes whether you choose to consent or decline to consent to magistrate judge jurisdiction in this matter. Sign this form below your selection.

☐ **Consent to Magistrate Judge Jurisdiction**

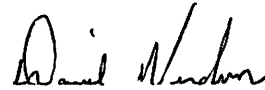
In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

OR

☒ **Decline Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

Signed this 13 day of March, 20 19



(Plaintiff's signature)

In The United States District Court
For The Northern District Of California

4 Daniel Verduzew, T-45537

5 Plaintiff

6 Vs.

7 Mickey Price,

8 Defendants, et., al.

Cause No.:

Complaint

42 U.S.C. Section 1983

9 Claims

10 1. Petitioner contends that employees at Pelican Bay State Prison knowingly and unlawfully utilized
11 the mental health system as a ruse to retaliate against him for filing administrative grievances
12 by increasing the level of care which would entail a mandatory transfer to violation of the
13 first amendment to the U.S. Constitution. In doing so, exacerbating petitioner's mental
14 health symptoms, thus, acting with an utter disregard towards petitioner's serious medical needs
15 that resulted in serious physical harm to violation of the eighth amendment of the
16 U.S. Constitution.

17 2. Petitioner contends that employees at Pelican Bay State Prison intentionally engaged in
18 a campaign of retaliation by deliberately depriving, denying, and withholding access to
19 mental health treatment while he was suicidal, subjecting petitioner to retaliation,
20 cruel and unusual punishment, and a reckless disregard to a known risk of substantial
21 harm to violation of the first and eighth amendments of the U.S. Constitution.

22 3. Petitioner contends that employees at Pelican Bay State Prison failed to take his
23 claims of suicide and self-harm seriously and took no action resulting in a suicide
24 attempt, self-harmous behavior, and the amputation of petitioner's finger to violation
25 of the eighth amendment of the U.S. Constitution.

26 4. Petitioner contends that employees at Pelican Bay State Prisons acted with
27 absolute deliberate indifference after he informed them of his intention to cut off
28 his own fingers and demonstrated an actual willingness to follow through with

1 No Reasonable Action Was Taken Despite Petitioner's History Of Suicide Attempts And Documented
 2 Incidents Of Serious Self-Harm, In Violation Of The Eighth Amendment Of The U.S.
 3 Constitution.

4 5. Petitioner Contends That He Was Subjected To Sexual Misconduct By Petitioner's Primary
 5 Clinical Psychologist Whom Took Advantage Of Petitioner's Vulnerable Emotional And
 6 Mental State And Was Employed At Pelican Bay State Prison When The Sexual Abuse Occurred,
 7 In Violation Of The Eighth Amendment Of The U.S. Constitution.

8 Statement Of Facts

9 6. Between April 16, 2016 Through March 2017, Petitioner Had Filed Various Administrative
 10 Grievances Exposing Preventable Suicide Attempts, Preventable Self-Harm, Delayed Medical Care,
 11 Deliberate Indifference, And Various Forms Of Retaliation By Employees At Pelican Bay State Prison.
 12 From April 29, 2016 Through September 14, 2016, Petitioner Had Engaged In Suicide Attempts,
 13 Self-Inflicted Behavior, And Was Subsequently Unvoluntarily Admitted To A Department State
 14 Hospital (DSH). Prior To April 2016 Petitioner Had Never Been A Participant Of The Mental
 15 Health System. Petitioner Was Detained In Solitary Confinement For About (16) Consecutive
 16 Years Which Is "Akin To Being Sealed Inside A Coffin" While His Mental Health Worsened. Thus,
 17 Petitioner Did Not Create His Own Mental Health Illness, However, It Was Not Until Petitioner's
 18 Release From Solitary Confinement After 16 Years That He Started To Engage In Suicide Attempts
 19 And Self-Inflicted Behavior.

20 7. In Early March 2017, Petitioner's Primary Clinical Psychologist Hannah Bush, Informed
 21 Plaintiff That Chief Psychologist R. Limon Has Instructed H. Bush To Increase Petitioner's
 22 Mental Health Level Of Care From Correctional Clinical Case Management System (CCCMS) To
 23 Enhanced Outpatient Program (EOP) So That Petitioner Would Be Transferred Sooner Because
 24 Petitioner Is Writing Too Many GOS's (Administrative Grievances) And Petitioner Has become A
 25 Liability. Hannah Bush, Informed Petitioner That There Was No Clinical Basis To Increase
 26 Petitioner's Level Of Care From CCCMS To EOP And They Are Trying To Get Rid Of Petitioner
 27 For Exposing Civil Rights Violations. An Increase In Level Of Care Would Mandate That Petitioner
 28 Be Transferred To A EOP facility Within (30) Days. Petitioner Told Hannah Bush, That He

1 Will Kill Himself If He ~~Is~~ Transferred To An EOP Facility On A Retaliation Basis That Is
 2 Not Clinically Necessary Or In the Interest Of His Mental Health. Petitioner Became Distraught And
 3 Started Formulating A Suicide Plan.

4 8.) On March 23, 2017, Petitioner Was Scheduled To A Random Inter-disciplinary Treatment Team
 5 (IDTT) i.e.: Mental Health Committee Which Had Been Orchestrated By Mental Health Supervisors
 6 Chief Of Mental Health Psychologist Mickey Price, Chief Psychologist R. Limon, Senior Psychologist
 7 Peter Sawyer, And Senior Psychologist Rita Dhesi. During IDTT Of March 23, 2017, Petitioner's
 8 Primary Clinical Psychologist Hannan Bush Did Not Recommend Or Support The Level Of Care Increase
 9 To EOP. Psychiatrist Theodore Utecht, Psychologist Santa Houston, And Psychologist J. Kelly,
 10 Did Not Find A Clinical Basis To Increase Petitioner's Level Of Care To EOP, Either. Petitioner,
 11 Expressed That He Had Not Engaged In Any Self-Harmful Behavior In Six Months Nor Had He Been
 12 Admitted To A Mental Health Crisis Bed (MHCBS) In Six Months And H. Bush, S. Houston, J. Kelly,
 13 And T. Utecht All Do Not Agree With An Increase In Level Of Care. Senior Psychologist Rita
 14 Dhesi And Senior Psychologist Peter Sawyer Overrode This Majority And Made An Executive Decision
 15 To Increase Petitioner's Level Of Care From CCMS To EOP. Petitioner Became Distraught And
 16 Told P. Sawyer And R. Dhesi That They Are Abusing The Mental Health System To Retaliate
 17 Against Him For Exposing Civil Rights Violations By PBSP Employee. Petitioner Literally Begged
 18 R. Dhesi And P. Sawyer Not To Do This, It Will Send Him Into Distress. At The Conclusion
 19 Of IDTT Petitioner Made It Unequivocally Clear That He Will Attempt Suicide And Kill Himself
 20 Before He Arrives To Any EOP Facility. Petitioner Also Look At Correctional Counselor II A. Bond,
 21 And Stated This Is A Mistake, I'm Going To Die Before I Go. A. Bond Simply Told
 22 Petitioner; Oh, I Know. Believe Me I Know But This One Is Mental Health. Not One
 23 Employee Present At This IDTT Hearing Showed Any Regard At Petitioner's Statements Of Suicide
 24 If This Retaliation Transfer Is Forced Upon Him, Thereby Knowing The Retaliation And Acting
 25 With Deliberate Indifference Of A Known Risk Of Potential Substantial Physical Harm.

26 9) From March 23, 2017 Through April 27, 2017, Petitioner Informed Associate Warden
 27 D. Short, Correctional Counselor II A. Bond, Correctional Counselor II J. Rush, Chief
 28 Of Mental Health Mickey Price, Chief Psychologist R. Limon, Senior Psychologist Rita Dhesi,

1 Psychologist Hannah Bush, Psychologist FRANCES SCHONING, SERGEANT J. Anderson, telepsychiatrist
 2 Mark Peterson, Correctional Counselor L. BRUNNER, Classification Services Representative Chris
 3 Bleeze Via Sick Call slips, ODCR 88 forms, and Verbally that Petitioner is Distraught, Has been
 4 Subjected to A Retaliatory Transfer and Will Unavoidably Kill Himself Before He Arrives to A
 5 EOP facility. Despite the known risk of Substantial Harm Or Suicide, these Employees
 6 acted With Deliberate Indifference Toward Petitioner's Statements of Self-Harm in Violation of
 7 Petitioner's Constitutional Rights.

8 10). On March 23, 2017, Petitioner filed An Emergency Administrative Grievance stating that
 9 this Retaliatory Transfer Will Place Him At Great Risk of Suicide and Petitioner's Grievance Pertains
 10 to Life Or Death and Requires Immediate Intervention. Chief Psychologist R. Limon Accepted
 11 Petitioner's Administrative Grievance On March 24, 2017 but had Psychologist Hannah Bush Deem it
 12 As Non-life Threatening and therefore Not An Emergency Appeal. Thus, Acting With A Reckless
 13 Disregard to A known Risk of Substantial Harm Or Suicide. In Addition, Petitioner wrote the
 14 Prison Law Office and Clearly stated that He is Distraught and Petitioner has Every
 15 Intention of Cutting Off His Fingers, This Information Was Conveyed to ODCR By the Prison
 16 Law Office.

17 11). On March 27, 2017 Correctional Counselor II J. Rush Informed Petitioner that A
 18 Departmental Review Board (DRB) Representative Named PEREZ Had Been Apprised of Petitioner's
 19 Intent to Kill Himself If Prison Bay State Prison Proceed With this Transfer and (DRB)
 20 Representative PEREZ stated If Petitioner Wishes to Kill Himself that is Petitioner's Choice,
 21 (DRB) Representative PEREZ retained the Authority to Act but failed to do so and acted
 22 With A Reckless Disregard to A known Risk of Serious Harm Or Suicide.

23 12). On March 30, 2017, Petitioner Attended A Institutional Classification Committee (ICC) and
 24 Was put Up for An Expedited transfer to A EOP facility Due to the recent Increase in
 25 level of Care. Petitioner Begged Chief Deputy Warden R. Bell to Please Post-Pone this
 26 Recommendation Because He Will Kill Himself Before Arriving to Any EOP facility. Petitioner
 27 told R. Bell that the 16 Years Petitioner Spent in Solitary Confinement With No
 28 Human Contact Messed Him Up and Petitioner cannot Endure More Abuse. R. Bell Sarcastically

1 Told Petitioner Please, Having Your Food Brought To You Tell All Those Things Is Room Service.
 2 Petitioner told R. Bell, the Sheriff 16 Years Inside A Concrete Box And See If It Does Not
 3 Affect You. Petitioner Begged R. Bell To Please Hold Off And Contact Sacramento Because
 4 Petitioner Is Going To Kill Himself. If, they follow through with this. Thus, Acting With
 5 A Reckless Disregard To A Known Risk Of Physical Harm Or Suicide.

6 13) For the preceding 27 Days Petitioner Continued To Express Absolute Despair And His
 7 Unwavering Intention To Kill Himself Or Cut Off His Fingers. Petitioner Begun To Hoard his
 8 Medications And Had A Razor Blade That He Obtained From Another Inmate. Psych Techs
 9 did Not Observe Petitioner During Disbursement Of Medications Despite Extensive Documentation
 10 That Petitioner Had A Suicide Plan. Thus, Acting With A Reckless Disregard To A Known Risk
 11 Of Physical Harm Or Suicide.

12 14) Chief Of Mental Health Mickey Price Specifically Gave Explicit Instructions That Petitioner
 13 Is Not To Be Admitted To A Mental Health Crisis Bed (MHCB) but Instead Sent On His Way
 14 To Another Facility. Petitioner Was In A Perpetual State Of Fear, Despair, Paranoia, Depression,
 15 And Anxiety ETC...

16 15) On April 27, 2019, Psychologist Hannah Bush And Psychologist Frances Shoenine Told
 17 Petitioner that the transfer had been rescinded Petitioner Did Not Believe This And Made it
 18 Absolutely Clear To H. Bush And F. Shoenine That He Will Try And Kill Himself When the
 19 Transfer Is Initiated And He Will Arrive Dead To Any EOP facility. F. Shoenine Contacted
 20 Chief Of Mental Health Mickey Price And Inquire Whether Petitioner Needs To Be Admitted Into A
 21 Mental Health Crisis Bed (MHCB). Mickey Price, Ordered F. Shoenine Not To Admit Petitioner,
 22 Thus, Depriving Petitioner Of Mental Health Intervention And Acting With A Reckless Disregard
 23 Towards A Known Risk Of Substantial Physical Harm Or Suicide, Allowing The Potential Danger
 24 Of Suicide To Occur.

25 16) Petitioner Had Followed Through On Prior Claims Of Suicide That Resulted In Serious
 26 Physical Harm Yet For A Matter Of Weeks leading Up To April 28, 2017, Petitioner Repeatedly
 27 Stated That He Would Kill Himself And Start Cutting Off His Fingers And Begged For Help
 28 Yet Petitioner Was Never Placed Into A Safe Environment Or Referred To A Department State

1 To Address His Threats Of Suicide And Self-Harm. In fact, On April 28, 2017 Crisis Unit
 2 Psychiatrist T. O'Hecht And Crisis Unit Psychologist Watson Recommended That Petitioner Be
 3 Admitted To Pelican Bay State Prison's Mental Health Crisis Bed To Address His Serious Mental
 4 Health Needs but Chief Of Mental Health Michael Price Override This Decision, Thus, Knowingly
 5 Acting With An Utter Reckless Disregard To A Risk Of Harm Or Suicide. Leading Up To April
 6 28, 2017 No De-escalation Tactics Were Attempted, Period!

7 17) Despite the known risk of self-harm or suicide on April 28, 2017 at about 0530 hrs.
 8 Correctional Sergeant John Doe #1 Approached Petitioner's Cell Door Which Sent Petitioner Into
 9 A State Of Panic And Despair. Petitioner Sealed his Cell Door from the Inside And
 10 Asked Correctional Sergeant John Doe #1 If He Was Informed That Petitioner Was
 11 Prepared To Kill Himself. Correctional Sergeant John Doe #1 Said, Yes But He Does Not
 12 Want That To Happen. Petitioner Told Correctional Sergeant John Doe #1 that Petitioner
 13 Will Not Arrive Alive To Any EOP Facility. Petitioner Wrapped The Honored Pills And
 14 Razor Blade In Paper Which He Then Inserted Into His Rectum.

15 18) Correctional Lieutenant John Doe #2 Approached Petitioner's Cell Door. Petitioner Told
 16 Correctional Lieutenant John Doe #2 that Petitioner Has Stated For Weeks That He Will
 17 Kill Himself Before Arriving To A EOP Facility. Petitioner Told Correctional Lieutenant
 18 John Doe #2 that Petitioner Will Chew On his Own Tongue And Choke On It Once Got
 19 Inside A Transportation Vehicle So To Bring Petitioner A Pen And Multiple Sick Call Slips
 20 So That Petitioner Can Document His Intentions To Kill Himself.

21 19). For the preceding two hours or so Petitioner personally handed Chief Of Mental Health
 22 Sick Call Slips Every 20 Minutes Or So Clearly Stating That Petitioner Is In Distress And
 23 Petitioner Will Chew Off his Own Tongue And Choke On It As Soon As Petitioner Is Placed In
 24 A Transportation Vehicle. Petitioner Clearly Stated That He Will Kill Himself En Route
 25 To A EOP Facility And Petitioner Is Overwhelmed By The Retaliation. Petitioner Also
 26 Personally gave Michael Price Another Sick Call Slip Stating That He Wants His Sister
 27 Notified Upon His Suicide. Petitioner Begged For Mental Health Intervention, None
 28 Was Provided, Which Was Retaliatory And Amounted To A Reckless Disregard To A
 Known Risk Of Harm Or Suicide In Violation Of the First And Eighth Amendments.

20) Petitioner was not screened or given a suicide risk assessment and no precautionary measures were put into place despite petitioner's statements of killing himself once placed inside the vehicle. Mickey Price simply told petitioner custody officers have been informed of your desire to kill yourself. Petitioner was not combative and told Mickey Price to Will Not Resist Orders to get in the vehicle but I'm going to kill myself.

21) Petitioner's primary physician psychologist Hannah Bush approached petitioner's door and told petitioner that Mickey Price, R. Shes, and other supervisors are responsible for this and she is sorry but they made her do it and it's wrong on so many levels and it's because of petitioner's administrative grievances that they are doing this to petitioner. H. Bush told petitioner this is not about mental health it's about getting rid of petitioner for exposing conditions at PBSP.

22) Mickey Price instructed custody officers to place petitioner in the vehicle which petitioner was unaware of. Petitioner was told that he was going to meet with mental health in a confidential setting. Correctional lieutenant John Doe #2 and correctional lieutenant J. Frisk asked petitioner to cuff up via his good port. Petitioner told correctional lieutenant John Doe #2 and correctional lieutenant J. Frisk if they put petitioner in a vehicle he's going to chew on his tongue, choke on it, and kill himself. Correctional lieutenant J. Frisk told petitioner that petitioner is going to meet with mental health. Correctional lieutenant John Doe #2 confirmed it. Petitioner was not stripped of his clothes or searched nor was a scan of the hand-held metal detector performed by correctional lieutenant J. Frisk on correctional lieutenant John Doe #2, which allowed petitioner to maintain possession of the Rizer black and bonded pills. Petitioner made it unequivocally clear of his intentions of self-harm and/or suicide. Thus, the failure to search petitioner was a reckless disregard to a known risk of physical harm or suicide.

23) Petitioner was handcuffed behind his back by correctional lieutenant J. Frisk or correctional lieutenant John Doe #2, petitioner's door was opened he backed out and was escorted by correctional lieutenants J. Frisk and John Doe #2, however,

1 After About Working 20 Or 30 Feet. Petitioner Was Put Against A Wall And Leg Irons
 2 Were Applied At His Waist Restraints. Petitioner did Not Become Combative And Realized
 3 That He Was Not Meeting With Mental Health. Inmates Are Never Put In Waist Restraints
 4 Unless The Inmate Is In A Secure Environment I.E. Inside A Cell Or Holding Cell And
 5 Restraints Are Applied In The Good Post, The Purpose Of Not Putting Petitioner In A
 6 Cell Or Holding Once His Restraints Were Applied Was So Petitioner Cannot Summon For
 7 A Mental Health Suicide Risk Assessment. Petitioner Told Lieutenant J. Frick And
 8 John Doe # 2 That Petitioner Is Not Planning And He Is Going To Kill Himself.
 9 Petitioner Was Escorted To The Group Room And Remained Standing As Correctional
 10 Lieutenant J. Frick And John Doe # 2 Stood To His Left And Right Side.
 11 Psychologist Hannah Bush Spoke With Petitioner For Less Than Two Minutes, Petitioner
 12 Reiterated That He Would Chew Off His Tongue Once Placed In A Vehicle And He Needs
 13 Mental Health Care. H. Bush Told Petitioner That Mickey Price Has Made The Decision
 14 With Supervisors Not To Admit Petitioner To The Crisis Unit Which Amounts To A Denial
 15 Of Mental Health Care To A Serious Mental Health Need. Petitioner Was Put On A
 16 Transportation Van By Correctional Lieutenants J. Frick And John Doe # 2. The
 17 Transportation Van Was Pre-Position Outside The Unit Entrance Door. Petitioner Was Still
 18 In A State Issued Jump-Suit Not A Paper Thin Transparent Jump-Suit Which Is Typical
 19 For Transfers.

20 24). Petitioner Informed Correctional Officer Watkins And Correctional Officer John Doe
 21 #3 That They Will Arrive With A Dead Body. Petitioner Was Driven To R & R Court
 22 Correctional Officers Watkins And John Doe # 3 Exited The Vehicle And Entered R & R
 23 Leaving Petitioner Alone In The Vehicle Unsupervised Despite Petitioner's Statements That He Would Chew
 24 On His Own Tongue. Petitioner began to chew on his tongue. Correctional Officers Watkins And John
 25 Doe # 3 Returned With R.V. Murray Whom Observed blood on Petitioner's shirt (Jump Suit) And On
 26 Petitioner's Mouth. Registered Nurse Murray Asked Petitioner If He Okay Petitioner Stated That He
 27 Was Suicidal. Petitioner Was Driven To Medical. Correctional Officers Watkins And John Doe # 3
 28 Acted With A Reckless Disregard To A Known Risk Of Harm Or Suicide By Leaving Petitioner

1 When Was Distraught And Suicidal More And Unsupervised.

2 25). Upon Arriving to the Correctional Treatment Center (CTC) Registered Nurse Eric Golding
3 And Registered Nurse John Doe # 4 Approached the Vehicle And Asked Petitioner Is He Okay.
4 Petitioner Reiterated that He Is Suicidal And Needs Mental Health Attention. Correctional
5 Officers Watkins And John Doe # 3 Escorted Petitioner to the Urgent Treatment Area
6 (UTA). Petitioner kept stating he been telling his Au, his Mommy D Would Kill Myself
7 And People Have Known for Weeks. Correctional Officers Watkins And John Doe # 3 Told Petitioner,
8 Were Just Told What to Do.

9 26) Once In the UTA Physician Assistant Doctor L. Thomas Attempted to Evaluate
10 Petitioner's Tongue, Petitioner Refused Medical treatment And Reiterated that He Is Suicidal
11 And Will Kill Himself If Put Back On the Van, Petitioner Begged L. Thomas for Mental
12 Health Intervention Which L. Thomas Withheld to Retaliate Against Petitioner for A
13 Previous Complaint Against L. Thomas by Petitioner. L. Thomas Personally knew Petitioner
14 Had A History Of Serious Suicide Attempts, Had Just Engaged In Self-Inducious Behavior,
15 Was Actively Suicidal Yet L. Thomas Did Not Refer Petitioner to Mental Health for A
16 Suicide Risk Assessment Deliberately Depriving Petitioner Of Mental Health Intervention.
17 Although, Petitioner Clearly Stated Repeatedly that He Was Suicidal And Personally Told
18 L. Thomas that He Will Attempt Suicide If Put Back In the Transportation Van, L.
19 Thomas Instructed Correctional Officers Watkins And John Doe # 3 to Put Petitioner
20 Back On the Van. Chief Executive Officer (CEO) Moussem Melman, Chief Medical
21 Executive (CMD) D. Jacobsz, Chief Of Mental Health Mickey Price, And Lieutenant
22 J. Frick Failed to Intervene And Collectively Authorized Petitioner's Placement Back
23 Into the Vehicle Despite the Apparent Risk Of Physical Harm And/Or Suicide. Thereby,
24 Contributing to the Denial Of Mental Health Care And Acting With Deliberate Indifference
25 Towards Petitioner's Serious Medical / Mental Health Needs. Thus, Supporting Petitioner's
26 Claims that the Denial Of Mental Health Care During A Crisis Was Retaliatory In Nature to
27 Proceed With A Retaliatory Transfer.

27). Once Back In the Transportation Vehicle No Preventable Measure Were Taken Despite, knowing that Petitioner Was Suicidal, And Chewed On His Tongue, And His Statement to Kill Himself Petitioner Was Left Alone Unsupervised. Petitioner Retrieved the Razor blade And Hoarded Pills from the Recumbent And In Petitioner's State Of Despair He Began to Ingest Pills in an Attempt to End His Life. Petitioner Inadvertently Defecated On Himself Which May Have Been Caused By Ingesting The Pills.

28). At Some Point Correctional Officer John Doe #3 Approached the Vehicle to Retrieve his Lunch And Smell The Peces And Told Petitioner; What Was In, Suit On Yourself, Grabbed his Lunch Closed the Door And Walked Away And Started Talking to Other Officers; He Suited On Himself. Petitioner Was Left In his Own Waste In the Vehicle And Unsupervised An Additional 10 Minutes Or So And Was Eventually Escorted Back Into the Urgent Treatment Area.

29). Petitioner Informed Employees That He Had Consumed Pills And Just Wants to Die. L. Thomas Inquired If Anyone Saw Petitioner Ingest Pills Correctional Officer John Doe #3 Said No And Stated, I Don't Doubt it, He (Petitioner) Has Done Everything HE Said He Would Do Today Morning; Chew On his Tongue And Attempt Suicide. Petitioner Was In Handcuffs When He Retrieved the Pills And Because Of That Petitioner Dropped Some On the Van floor Board Which He Was Unable to Reach. Petitioner Began to Tell R.N. Eric Holdings that Petitioner Has Maintained He Was Suicidal Since Petitioner First Arrived to the Correctional Treatment Center And If Petitioner Dies it Should Not Have Happened. Petitioner Requested for Mental Health Care but Instead Was Left In His Own Peces for Hours. Leaving Petitioner Unsupervised Was A Reckless Disregard to A Known Risk Of Physical Harm Or Suicide And Remaining In Peces for Hours Was Cruel And Unusual Punishment.

30) Maureen Melton, Donna Jacobson, L. Thomas, Mickey Price Continued to Deprive Petitioner Of Any Mental Health Intervention In An Endeavor to Move Forward With The Transfer to A EOP facility. Thus, Denying Petitioner Access to Mental Health Care In Violation Of The Eighth Amendment. Furthermore, it Was Retaliatory In Nature In Violation Of The First Amendment.

1 31) Correctional Sergeant John Doe #1 began to tell Petitioner, "I've never seen this
 2 before, I don't know who you passed off but their doing everything they can to get
 3 rid of you and everything that has happened today is flat out wrong, the only
 4 reason you're not leaving now is because we are refusing to take you, I've contacted my
 5 supervisor but mental health and medical supervisors are still asking us to take you, this
 6 time we're refusing. Correctional Officer John Doe #3 started telling Petitioner that
 7 he experienced a suicide on transport before, the inmate strangled himself with a
 8 seatbelt. Petitioner then asked John Doe #3 why did you leave me unsupervised,
 9 when you knew I said I would kill myself. John Doe #3, told Petitioner, I'm
 10 sorry man, I had orders, I'm just a C/O (Correctional Officer). Employees at Pelican
 11 Bay intentionally deprived Petitioner of mental health care, exacerbating his symptoms,
 12 contributing to his distress, and acting with a reckless disregard for Petitioner's
 13 safety when he was suicidal.

14 32) Petitioner was eventually admitted to Pelican Bay State Prison's Mental Health Crisis
 15 Bed about six hours later but was never scanned with the handheld metal detector
 16 despite Petitioner's statements for the past three weeks that he was going to cut off his
 17 own fingers. Petitioner was distraught, paranoid, depressed, and mentally exhausted.
 18 Failing to warn Petitioner allowed him to retain possession of the razor blade,
 19 and amounts to deliberate indifference to a known risk of harm because Petitioner
 20 had prior incidents of self-harm at PBSP's MHCB.

21 31) On April 29th, 2017 On April 30th 2017, Petitioner met with Clinical Psychologist
 22 Ashley Coubern at Pelican Bay State Prison's Mental Health Crisis Bed and informed A.
 23 Coubern that Petitioner has every intention of cutting off his own fingers so please
 24 do not retain him here beyond ten days, he will go crazy.

25 32) On May 01, 2017, Petitioner told Psychiatrist T. Utecht at Pelican Bay State
 26 Prison's Mental Health Crisis Bed that Petitioner is going to cut off his own finger.
 27 Ashley Coubern and T. Utecht did not take Petitioner's statements seriously enough
 28 to take precautionary measures. Thus, acting with a reckless disregard to a known

1 Risk Of Serious Harm.

2 33) On May 01, 2017, Petitioner Met With Psychologist HANNAH BUSH. Petitioner Informed
3 H. Bush That Petitioner Was In Possession Of A Razor Blade And Was Going To Cut Off His
4 Own Finger. H. Bush Supported Petitioner And Did Not Advise Petitioner Not To Cut Off
5 His Finger Nor Did She Report That Petitioner Was In Possession Of A Razor Blade
6 While In A Mental Health Crisis Bed And Simply Told Petitioner Okay When He Expressed
7 His Intention To Cut Off His Finger. Thereby, Contributing To A Known Risk Of Serious
8 Physical Harm And Allowing Harm To A Mental Health Inmate And Did Absolutely
9 Nothing To Prevent Self-Harm In Violation Of the Eighth Amendment.

10 34) On May 06, 2017, While On Suicide Precaution Petitioner Was Still At Pelican Bay State
11 Prison's Mental Health Crisis Bed And Made His First Attempt To Cut Off His Own Finger
12 But Due To Unbearable Pain Sought Medical Attention, Was Treated, And Received four
13 Stitches. Although, Petitioner Claimed To Have fallen that Was Impossible As MHCBS
14 Cells Have No SHARPE EDGES And Are Designed For Suicidal Inmates. Petitioner And
15 Made Several Statements Of His Desire/Intention To Cut Off Fingers Yet No Realistic
16 Preventative Measures Were Put Into Place Following Petitioner's First Attempt. He Was Never
17 Scanned Through A Metal Detector Nor Was He Watched More Keenly. Thus, Employees On
18 May 06, 2017 At PBSP MHCBS Acted With Deliberate Indifference Towards Petitioner's Serious
19 Mental Health Needs And Safety.

20 35) On May 07, 2017, Petitioner Removed His Own Stitches While On Suicide Watch
21 Which Went Unnoticed For Hours And Once Discovered Employees At PBSP MHCBS Did Not
22 Take Any Reasonable Steps To Prevent Further Harm. Petitioner Was Not Monitored More
23 Closely, His Cell Was Never Searched And He Was Still Not Scanned Through A Metal
24 Detector Handheld Or Otherwise, Despite Repeated Documented Claims That Petitioner Is
25 Going To Cut Off His Own Finger. Employees At Pelican Bay State Prison's Mental Health
26 Crisis Bed On May 07, 2017 Acted With Deliberate Indifference Towards Petitioner's Serious
27 Mental Health Needs To A Foreseeable Risk Of Physical Harm.

28

1 36) On May 08, 2017, Petitioner Was Still In PBSPs MHCB And Appeared Before IDTT And
 2 Begged To Be Sent To A Department State Hospital (DSH), Petitioner Told An IDTT
 3 Members On May 08, 2017, That He Cannot Mentally Handle Another Seven Days In The
 4 MHCB. Petitioner Told IDTT Members On May 08, 2017 That He Was Gonna Cut Off Fingers
 5 After He Was Retained An Additional 10 Days. However, No Reasonable Preventative Measures
 6 Were Put Into Place To Prevent Harm. Petitioner Was Not Screened By A Metal Detector
 7 Handheld Or Otherwise, Petitioner's Hands Were Not Monitored Or Inspected Hourly
 8 To Detect If Petitioner Was, In Fact, Cutting Off Fingers. An IDTT Member At PBSPs
 9 MHCB On May 08, 2017, Acted With Deliberate Indifference Towards Petitioner's Serious
 10 Mental Health Needs Despite Petitioner's History Of Self-Harm And One Attempt To Cut Off
 11 His Fingers Two Days Prior.

12 37) On May 08, 2017, Psychologist Ashley Coburn Approached Petitioner's Cell Door And Told
 13 Petitioner He's Being Put On Suicide Watch. Petitioner Told A. Coburn That His Statements
 14 To Cut Off Fingers Are Not Threats, Petitioner Is Serious And Needs Immediate Care
 15 Immediately. Please Believe Him, He's going to cut off his fingers. However, Moreover,
 16 A. Coburn Suspected That Petitioner May Have Something To Cut Off His Fingers With,
 17 His Cell Was Never Searched, He Was Never Given A Risk Assessment, Put Through A
 18 Metal Detector, Nor Were His Hands Inspected Hourly Or Regularly To Determine If
 19 Petitioner Started Cutting His Fingers. Ashley Coburn Acted With A Reckless Disregard And
 20 Deliberate Indifference Towards Petitioner's Serious Mental Health Needs. Petitioner Was A
 21 Detriment To Himself And Could Have Been Put On Forced Medication Which Was Never
 22 Explored.

23 38) Petitioner Even Begun To Tell The Employee Responsible For Watching Him If She Had
 24 Sick Days. Petitioner Kept telling her Go Home Just leave for today, Please. I don't
 25 Don't Want to Be Held Responsible for What Is About To Happen. She Asked Petitioner
 26 What Are You Talking About, Petitioner Told Her, You'll See. Yet Petitioner One On One
 27 Became Muzzled. Thus, Acting With Deliberate Indifference Towards Petitioner's Serious Mental
 28 Health Needs And Safety.

1 39) On May 08, 2017 While On Suicide Watch Petitioner Propped Up His Slaty Blanket Like
 2 A Shield Obstructing His Flesh And Proceeded To Slice Through His Finger To the Bone
 3 As He Moaned For About An Hour And One-Half Hour. Petitioner's Slaty Blanket Was
 4 Covered In Dark Blood. Slaty Blankets Have the texture of cardboard and will stand
 5 Up. Right If Positioned Properly. Petitioner Laid On His Back On the floor and at the
 6 Chest Area had about a 2 foot wall that he used as he cut through his finger.
 7 Registered Nurse Jane Doe # 5 knew or should have known that Petitioner Was Engaging
 8 In Self-Harm but did absolutely nothing. Petitioner had already made an attempt to cut
 9 off his finger on May 06, 2017, then removed the stitches on May 07, 2017, and was
 10 specifically placed on Suicide Watch on May 08, 2017 for making it unreasonably clear that he
 11 was going to start cutting off fingers. Jane Doe # 5 failed to become alert when
 12 Petitioner created a barrier and was making sounds of pain as he cut through his finger.
 13 Petitioner cut about half of his finger to the bone on May 08, 2017. R.N. Jane
 14 Doe # 5 acted with a reckless disregard to a known risk of physical harm or
 15 suicide when her sole responsibility was to never take her eyes ^{OFF} Petitioner and immediately
 16 report any suspicious activity of self-harm. Petitioner was not in his right mind.
 17 40) On May 09, 2017, While On Suicide Watch Petitioner Propped Up His Slaty Blanket Again
 18 For about one and one half hour and finished cutting his finger full circle to the
 19 bone. Petitioner moaned the pain but Jane Doe # 6 could have cared less. Petitioner
 20 even attempted cutting through the bone. Petitioner's finger was already decaying and
 21 partially black in color. Petitioner's blanket was full of dark blood stains. Jane Doe
 22 # 6 should have known Petitioner was engaging in self-harm and should have
 23 attempted to inspect Petitioner's fingers, it was obvious that Petitioner was in pain
 24 and hiding his hands. Jane Doe # 6 acted with a reckless disregard to a
 25 known risk of self-harm and/or suicide and was deliberate indifferent towards
 26 Petitioner's serious mental health needs. Petitioner was treated poorly because he was
 27 known for exposing civil rights violations.

1 41) On May 09, 2017, Petitioner Pended To Be Seen Yesterday By Mental Health But it
 2 took A While to Be Seen. Petitioner Was Handcuffed By Correctional Officer John Doe #7,
 3 But Petitioner Was Not Inspected for Signs Of Self-Harm. Petitioner Was Escorted to
 4 A Holding Cell Yet Not One Employee Noticed Petitioner's Finger. It Was Petitioner Whom
 5 Reported His Finger to Clinical Psychologist L. U. Petitioner Was In Pain, His Finger
 6 Was Severed Full Circle to the Bone and Had Decayed — Amputation Was The Only
 7 Option. Despite Petitioner's Repeated Statements to Cut Off His Fingers, Petitioner's First
 8 Attempt to Cut Off His Finger, Or Removing His Stitches, it Was Not Until After The
 9 Amputation That Mickey Price Submitted An Order Mandating That Petitioner Keep Both
 10 Hands In Visual Inspection At All Times. This Was A Foreseeable Incident Yet Employees
 11 At Pelican Bay State Prisons (PBSP) Mental Health Crisis Bed Took No Reasonable Action,
 12 And Collectively Acted With An Utter Disregard Towards A Known Risk Of Physical Harm
 13 Which Amounts To Deliberate Indifference To A Serious Mental Health Need. Petitioner's
 14 Level Of Care Was Decreased Back to CCMS 10 Days After He Cut Off His Finger Full
 15 Circle to the Bone Which Makes No Sense And Supports Petitioner's Contention That He Was
 16 Initially Made EOP Out Of Retaliation. Defendants Cannot Argue That Decreasing
 17 Petitioner's Level Of Care After Losing A Finger Is Clinically Appropriate.

18 42) Petitioner Suffers With Depression, Anxiety And Has Been Diagnosed With
 19 PTSD, Bipolar, Borderline Personality Disorder And Other Mental Health Issues
 20 Including Adjustment Disorder. Petitioner Spent About 16 Consecutive Years In
 21 Solitary Confinement Which Affected His Mental Health. Petitioner Is Extremely
 22 Fearful And Has Panic Attacks Around People.

23 43) Clinical Psychologist Hannah Rush Treated Petitioner Between February 01, 2017
 24 Through April 28, 2017. Rush Was Employed At Pelican Bay State Prison During This
 25 Period. Psychologist Rush, H. Began To Prey On Petitioner's Vulnerable Emotional
 26 State Which Eventually Manifested Into Sexual Abuse. Psychologist Rush, H. Knew
 27 That Petitioner Was Extremely Depressed And Suicidal And Convinced Petitioner That
 28 He Can Trust Her.

1 44). Psychologist Bush, H Masturbated During Therapy Sessions for Sexual Gratification.
 2 Collected Her Vaginal Fluids And Would Have Petitioner Lick it Off Her Fingers. H. Bush
 3 Exposed Her Breast And Put Her Nipples Through the Lacy Mesh So Petitioner Would
 4 Suck it. Psychologist H. Bush Would Masturbate At Home And Climax On Clothing
 5 Which She Would Give to Petitioner During Sessions to Suck On. Psychologist H. Bush
 6 Manipulated, took Advantage Of, And Used Petitioner As A Sexual Object. The
 7 Sexual Abuse Occurred Multiple Times. Petitioner Was Confused And A Victim.
 8 Psychologist H. Bush Always Maintained Control. The legal Concept Of Consent Does
 9 Not Exist Between An Employee And Inmate. The Sexual Abuse That Petitioner Was
 10 Subjected To Amounts To An Eighth Amendment Violation Of Cruel And Unusual
 11 Punishment And Deliberate Indifference to Petitioner's Medical Health Needs.

12 Prayer For Relief

13 45) Granting Petitioner Declaration That Acts And Omissions Described Herein Violated
 14 His Rights Under The Constitution And Law Of The United States, And
 15 46) Granting Petitioner Compensatory Damages In the Amount Of \$50,000.00 Against
 16 Each Defendant, Jointly And Severally.
 17 47) Plaintiff Seeks Positive Damages In the Amount Of \$50,000.00 Against Each
 18 Defendant, Jointly And Severally.
 19 48) Petitioner Also Seeks Recovery Of All Cost In this Suit. And Any Additional Relief
 20 This Court Deems Just, Proper, And Equitable.
 21 49) Petitioner Seeks Appointment Of Counsel To Defend His Civil Rights Which Were
 22 Grossly Violated.

23 Verification

24 I, Have Read the foregoing Complaint And Hereby Verify That the Matters Alleged
 25 Therein Are True, Correct As to Those Matters Alleged On Information And Belief,
 26 And, As to those, I believe them to Be True. I Certify Under Penalty Of
 27 Perjury That the foregoing Is True And Correct.

28 Executed March 13, 2019

Daniel M. Jones

Daniel Verdugo, T-45537

V.

Case Number:

Michael Price et., al.,

PROOF OF SERVICE

I hereby certify that on March 13, 2019, I served a copy of the attached Complaint Ex. 42 U.S.C. § 1983 Pages 1-4 ; Complaint Pages 1-16 by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the United States Mail at Oakland California:

(List name and address of each defendant or attorney served)

United States District Court
Clerk's Office
450 Golden Gate Ave
San Francisco, California 94102

Attorney General
455 Golden Gate Ave, Suite 11000
San Francisco, California 94102-7004

I declare under penalty of perjury that the foregoing is true and correct.

Daniel Verdugo
(Signature of person completing service)

United States District Court

March 13, 2019

Clerk's Office

450 Golden Gate Ave

RECEIVED

San Francisco, California 94102

MAR 18 2019

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Dear Court Clerk,

Enclosed Is A Complaint. Please Process (File) My Complaint,
Debit Me A Court No: And Provide Me An Enclosed Copy.
D Am Mailing My Complaint Today March 13, 2019.

Thank You For Your Time Respectfully.

Daniel Verdugo # T-45537

Verdugo

OSP - Cor. ASU-1 Cell #165

P.O. Box 3456

Corcoran, California 93212

CV-19-1440

(PR) JSW